

## **SSEC Disability & Title II Non-Discrimination Policy**

The South Shore Educational Collaborative does not discriminate against individuals on the basis of disability. This policy addresses any concerns in which a student or a staff member may have in relationship to disability discrimination and/or equal access and reasonable accommodations. This policy addresses Section 504 of the Rehabilitation Act and Title II of the Civil Rights Act. SSEC has established this policy as a way to provide prompt and impartial review of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 and/or Title II of the Civil Rights Act. This policy provides an optional resolution procedure for a complainant. This procedure is not a prerequisite before a complainant may directly pursue any other remedy available under state or federal law.

The goal of these procedures is to protect the substantive rights of interested persons, meet appropriate due process standards, assure SSEC compliance with Section 504 of the Rehabilitation Act of 1973 and Title II of the Civil Rights Act in order to provide a prompt, equitable and impartial resolution of complaints alleging a violation of either.

Any staff, student or any parent/guardian of a student may be a complainant and may file a formal or informal grievance as provided below.

### **A. Formal Procedure**

#### **1. Filing a Complaint**

Any complainant should submit a complaint alleging discrimination as soon as possible to the Compliance Officer or to any other school or school administrative staff. Any employee who has knowledge of conduct which may constitute discrimination shall immediately report such conduct to the Compliance Officer, to the employee's supervisor, or to any other school or school administrative staff. Any employee who receives a complaint under this policy shall immediately forward the complaint to the Compliance Officer.

The complainant should use the "Complaint of Discrimination" form to make a complaint of discrimination. However, oral complaints shall also be accepted. The complaint should be filed with any school administrator, or the Compliance Officer. Any school staff (non-administrative) receiving a complaint of discrimination shall forward it to the Director/Coordinator of that program, who shall immediately forward the complaint of discrimination to the Compliance Officer. Any complaint that involves the Compliance Officer shall be reported to the Executive Director. Any complaint that involves the Executive Director shall be reported to the SSEC Board Chair.

The complaint and the identity of the complainant, the individual who is the subject of the complaint (if other than the complainant), and the

persons allegedly responsible for the discrimination will not be disclosed except as required by law or policy, as necessary to fully investigate the complaint or as authorized by the complainant.

## **2. Investigation**

Upon receipt of a report or complaint of discrimination, the Compliance Officer shall immediately authorize or undertake an investigation. The investigation may be conducted by school staff or a third party designated by SSEC. The investigation shall be completed as soon as practicable, but not later than 15 school days after receipt of the complaint of alleged discrimination by the Compliance Officer unless the extension below is exercised. Within 5 school days of receiving the complaint, the Compliance Officer shall send written notice that the complaint has been received to the complainant and the person or persons allegedly responsible for the discrimination (the accused) which may include SSEC itself as it relates to Title II.

Upon receiving the complaint, the Compliance Officer shall determine whether interim measures should be taken pending the outcome of the investigation. This may include but is not limited to supportive measures which will be discussed with the complainant. If the Compliance Officer determines that more than 15 school days will be required to investigate the complaint, they will notify the complainant and the accused of the reasons for the extended investigation and of the date by which the investigation is projected to be concluded, which will be no longer than an additional 15 school days. The investigation may consist of personal interviews with the complainant, the persons allegedly responsible for the discrimination, and any others who may have knowledge of the alleged discrimination or the circumstances giving rise to the complaint. The investigation may also include the inspection of any documents or information deemed relevant by the investigator. The complainant and the accused shall have the right to identify witnesses and other relevant information as well as rebut evidence presented by opposing parties. SSEC shall take necessary steps to protect the complainant and others pending the completion of the investigation.

Whether a particular action or incident constitutes a violation of this policy requires a case by case determination based on a preponderance of the evidence revealed by a complete and thorough investigation.

The Compliance Officer shall issue a written report to the Executive Director upon completion of the investigation. If the complaint involves the Executive Director, then the report shall be sent to the SSEC Board

Chair. The report shall include a determination of whether the allegations are substantiated, whether this policy was violated and recommendations for corrective action, if any. The Compliance Officer's written report, and all written notices sent pursuant to this policy shall be maintained and distributed in accordance with the Family Educational Rights and Privacy Act. The report shall be issued to the Executive Director, the complainant and the accused within 20 school days of receipt of the complaint, unless additional time was utilized for the investigation in which case the report shall be issued within 35 school days of receipt of the complaint.

### **3. Action by the Executive Director**

Within 10 school days of receiving the Compliance Officer's report, the Executive Director or designee shall issue a decision regarding: (1) whether this policy was violated and, if so (2) what action, if any, will be taken. This decision shall be provided in writing to the complainant and the accused. If the Executive Director determines that discrimination occurred, SSEC shall take prompt, appropriate action to address and remedy the harm and prevent any recurrence. Such action may include; supportive measures, accommodations, discipline and where appropriate termination of employment. Any student discipline must comply with all legal protections for students found eligible for special education. discipline up to and including recommending that a student be expelled or that an employee be discharged.

### **4. Appeal**

If the Executive Director or designee determines that no discrimination occurred, the complainant may appeal the determination to the SSEC Board within 5 calendar days of receiving the decision. Notice of appeal must be filed with the Executive Director, who shall forward the Compliance Officer's report and any documentation or information deemed relevant by the Compliance Officer during the course of the investigation to the SSEC Board. The SSEC Board shall make a decision within 30 calendar days of receiving the record. The Board may require oral or written argument from the complainant, the person or persons accused of discrimination, the Executive Director, and any other individual it deems appropriate. An extension of the 30-calendar daytime limit may occur if necessary as determined by the SSEC Board Chair up to an additional 10 calendar days. The decision of the SSEC Board shall be in writing and shall be provided to the complainant and the accused.

If the Executive Director or designee determines that discrimination occurred and discipline is imposed, the disciplined person (i.e. student or employee) may appeal the disciplinary sanction in accordance with existing SSEC Board policies and regulations.

#### **5. Compliance Officer**

The SSEC Board shall at all times designate a Compliance Officer responsible for identifying, preventing and remedying discrimination as well as receiving complaints under this policy. The name and contact information for the Compliance Officer shall be posted on SSEC's website at all times. The Compliance Officer may be contacted at;

Patricia Mason, Director of Student Services  
75 Abington Street  
Hingham, MA 02043  
781-749-7518 x1618  
pmason@ssec.org

6. The Compliance Officer shall receive training and shall be knowledgeable about the requirements of Section 504 and Title II in order to impartially and equitably resolve complaints and ensure compliance with the law. In addition, the Compliance Officer shall:

- receive reports and complaints of discrimination,
- conduct or oversee the investigation of any alleged discrimination,
- assess the training needs of the school division in connection with this policy, and
- arrange necessary training to achieve compliance with this policy.

#### **B. Informal Procedure**

If the complainant and the persons allegedly responsible for the discrimination agree, the school director/coordinator, designee or the Compliance Officer may arrange for them to resolve the complaint informally with the assistance of a mutually agreed upon designated staff person(s) who will act as a mediator.

- C. If the complainant and the persons allegedly responsible for the discrimination agree to attempt to resolve the complaint informally, they shall each be informed that they have the right to abandon the informal procedure at any time in favor of the initiation of the above formal procedure.

If the complaint is resolved informally, the designated mediator shall notify the school director/coordinator of the resolution. The director/coordinator shall notify the complainant, the persons allegedly responsible for the discrimination and the Compliance Officer in writing that the complaint has been resolved informally.

**D. Retaliation**

Retaliation against students, families/guardians or school staff who report discrimination or participate in the related proceedings is prohibited. SSEC shall take appropriate action against any student or employee who retaliates against another student, family/guardian or employee who reports alleged discrimination or participates in related proceedings.

**E. False Charges**

Students and SSEC staff who knowingly make false charges of discrimination shall be subject to disciplinary action.

Additional Contact Information:

Richard Reino, Executive Director  
75 Abington Street  
Hingham, MA 02043  
781-749-7518 x1618

Matthew A. Keegan  
Superintendent, Norwell Public Schools  
SSEC Board Chair  
Phone: 781-659-8800  
Fax: 781-659-8805

Massachusetts Attorney General's Civil Rights Division  
Civil Rights: 617-963-2917  
Disability Rights: 617-963-2939  
TTY: 617-727-4765

<https://www.mass.gov/how-to/file-a-civil-rights-complaint>

Federal Office of Civil Rights

Region I -Boston (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont)

Peter Chan, Regional Manager Office for Civil Rights U.S. Department of Health and Human Services

Government Center

J.F. Kennedy Federal Building -Room 1875 Boston, MA 02203

Voice phone (617)565-1340

FAX (617)565-3809

TDD (617)565-11342

SSEC Complaint Form:

<https://docs.google.com/forms/d/e/1FAIpQLSeaCe7wtn8BPjiLdnZJiSv0jL-N8ZCcm60IkASPYaEdZNMWjw/viewform>

SSEC Grievance Form: [https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-](https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-3i_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform)

[3i\\_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform](https://docs.google.com/forms/d/e/1FAIpQLSe5t9y-3i_EFq5Fvg8gBnPQ--1YLqNwlwauHcdPh9kQdRM-qA/viewform)